

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re the Application of:

Applicant	: Michael Baj	
Appln. No.	: 09/826,697	Confirmation No: 4200
Filed	: April 5, 2001	Group Art Unit: 2665
Title	: QOS TESTING OF A HARDWARE DEVICE OR A SOFTWARE CLIENT	Examiner: Philpott, Justin M.

**REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 CFR §1.322 & §1.323**

Attn: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Commissioner:

A Certificate of Correction for the above-referenced U.S. Patent is sought herein pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322. This petition is presented in accordance with 37 C.F.R. § 1.322.

Further, the Certificate of Correction for the above-referenced U.S. Patent is sought herein pursuant to 35 U.S.C. § 255 and 37 C.F.R. § 1.323. This petition is presented in accordance with 37 C.F.R. § 1.323.

Certificate of Correction – Office's Mistake

The corrections sought herein are to correct mistakes, which were incurred through fault of the USPTO, and are clearly disclosed through the records of the USPTO.

The Applicant submitted an Information Disclosure Statement in accordance with 37 C.F.R. 1.56 on 8 June 2006. This Information Disclosure Statement was marked as considered by the examiner on 20 June 2006 and returned to the applicant concurrently with a Notice of Allowance and Fee(s) Due on 30 June 2006. The following errors are inconsistencies between the references as cited in the aforementioned Information Disclosure Statement and the references as published in the issued patent US 7,130,273.

- On page two of the References Cited, under U.S. Patent Documents, after “6,834,040” delete “B1” and insert --B2--, therefor.
- On page two of the References Cited, under U.S. Patent Documents, after “6,940,820” delete “B1” and insert --B2--, therefor.

Further, the following errors are inconsistencies between specification of the application as filed on 5 April 2001 and the specification as published in the issued patent US 7,130,273.

- In Col. 1, line 8, delete “(VOIP)” and insert --(VoIP)--, therefor.
- In Col. 2, line 49, delete “(VOIP)” and insert --VoIP--, therefor.

The Notice of Allowance dated 30 June 2006 allowed claims 1-9, 12-25, 10, 11, and 26 as amended in the Response and Amendment dated 27 February 2006 and renumbered them 1-26 respectively. The following errors are inconsistencies between the claims as allowed and the claims as published in the issued patent US 7,130,273.

- In claim 5, on lines 54-55, delete “repeating the transmitting” and insert --repeating the sending, measuring, and determining--, therefor.
- In claim 14, on line 33, delete “further comprising a” and insert --wherein the--, therefor.
- In claim 14, on line 33, after “tool” insert --is--.
- In claim 17, on line 43, delete “a way file” and insert --a wav file--, therefor.

#### Certificate of Correction – Applicant’s Mistake

The corrections sought herein are to correct mistakes, which were incurred through no fault of the USPTO, and are clearly present throughout the prosecution of the application.

- In the Abstract, line 11, delete “measurement the” and insert --measurement of the--, therefor.

The Notice of Allowance dated 30 June 2006 allowed claims 1-9, 12-25, 10, 11, and 26 as amended in the Response and Amendment dated 27 February 2006 and renumbered them

1-26 respectively. The following error is present in the Response and Amendment dated 27 February 2006.

- In claim 22, on lines 29-30, delete “possible” and insert “--possibly--”, therefor.

Under 35 U.S.C. § 255, mistakes of “clerical or typographical nature, or of minor character” are correctable through a Certificate of Correction so long as the correction “does not involve such changes in the patent as would constitute new matter or would require reexamination.”

The error in the abstract is merely typographical. “[M]easurement the quality” is nonsensical. This phrase requires a preposition between the verb (measurement) and the subject (quality). “[M]easurement of the quality” is a grammatically correct phrase that is consistent with the intended meaning of the phrase.

Similarly, the error in claim 22 is merely typographical. “[O]ne or more possible faulty” is nonsensical. “Possible” is an adjective. To properly modify “faulty,” an adverb is required. “Possibly” is an adverb utilizing the root word “possible.” “[O]ne or more possibly faulty” is a grammatically correct phrase that is consistent with the intended meaning of the phrase.

Additionally, these corrections do not change the meaning of either the Abstract or claim 22 so as to constitute new matter or require reexamination. In both the Abstract and claim 22, the proposed corrections merely change the grammar to be consistent with the meaning of the surrounding language.

## **CONCLUSION**

In conclusion, Applicant's representative respectfully requests that a Certificate of Correction be issued for the above-referenced application. Applicant believes that \$100 is due for providing a certificate of correction for applicant's mistake under 37 C.F.R § 1.20(a) and is including authorization to charge Deposit Account No. 50-3199 as such. However, should any additional fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 50-3199 as necessary.

Date: January 3, 2008

Respectfully submitted,  
HENSLEY, KIM & HOLZER, L.L.C.

/Damon A. Rieth/  
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## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,130,273  
APPLICATION NO.: 09/826,697  
ISSUE DATE : Oct. 31, 2006  
INVENTOR(S) : Baj

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the face page, in field (57), under "Abstract", in column 2, line 11, after "measurement" insert - - of - -.

On page 2, in field (56), under "U.S. Patent Documents", in column 1, line 5, after "6,834,040" delete "B1" and insert - - B2 - -, therefor.

On page 2, in field (56), under "U.S. Patent Documents", in column 1, line 8, after "6,940,820" delete "B1" and insert - - B2 - -, therefor.

In column 1, line 8, delete "(VOIP)" and insert - - (VoIP) - -, therefor.

In column 2, line 49, delete "(VOIP)" and insert - - (VoIP) - -, therefor.

In column 6, line 55, in Claim 5, delete "transmitting" and insert -- sending, measuring, and determining --, therefor.

In column 7, line 33, in Claim 14, after "claim 12" delete "further comprising a" and insert - - wherein the - -, therefor.

In column 7, line 33, in Claim 14, after "tool" insert - - is - -.

In column 7, line 43, in Claim 17, delete "way" and insert - - wav - -, therefor.

In column 8, line 30, in Claim 22, delete "possible" and insert - - possibly - -, therefor.

### MAILING ADDRESS OF SENDER (Please do not use customer number below):

Hensley Kim & Holzer, LLC - Attn: Damon A. Rieth  
1660 Lincoln Street, Suite 3000  
Denver, Colorado 80264

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*